



*City Hall ♦ 333 West Ellsworth Street ♦ Midland, Michigan 48640-5132 ♦ 989.837.3300 ♦ 989.835.2717 Fax ♦ www.midland-mi.org*

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## **Chapter 2.**

### **General Municipal Powers\***

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State law reference(s)--Charter to provide for preservation of public peace, health and safety, M.S.A., § 5.2073(j); charter provisions relative to ordinances, M.S.A., §§ 5.2073, 5.2082.  
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#### **Sec. 2.1. Powers of the city.**

All powers, privileges, and immunities, not inconsistent with the provisions of this charter, possessed by the City of Midland by virtue of its incorporation as such and enumerated in Act No. 215 of the Public Acts of 1895, the former charter of the city which is hereby superseded, are hereby expressly retained by the city and shall constitute a part of the police power of the city even though not expressly enumerated herein. Further, unless otherwise provided or limited in this charter the City of Midland and its officers shall be vested with any and all powers, privileges, and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, and of the United States of America, including all the powers, privileges, and immunities which cities are permitted to, or may, provide in their charters by Act No. 279 of the Public Acts of 1909, as amended, as fully and completely as though those powers, privileges, and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges, or immunities in this charter be held to be exclusive. The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interests of the city; the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and the provisions of this charter.

#### **Sec. 2.2. Waters and watercourses.**

For the purpose of promoting and preserving the public morals, peace, health, safety, and welfare, and within the limits not preempted by the powers and statutes of the United States of America and the State of Michigan, the city shall have and possesses the power to use and to control and regulate the use of all streams, waters, and watercourses within its limits.

#### **Sec. 2.3. Aircraft.**

The city shall have the power to establish, own, and operate airports, either within or without its corporate limits, and may regulate all airports located within its boundaries. Insofar as such regulation does not contravene any applicable statute or legally established and valid regulation of the United States of America or the State of Michigan, for the purpose of promoting and preserving the public peace, safety, and welfare, the city shall have and possesses the power to control and regulate the use of the air above the city by aircraft of all types.

**Sec. 2.4. Exercise of powers.**

Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan which was passed for the government of cities or townships, or in any other statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city is set forth, either in this charter or in any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

**Sec. 2.5. Continuation of rights and liabilities.**

The adoption of this charter shall not be regarded as discharging, impairing, or limiting any right vested in or liability of the City of Midland at the time of the adoption of this charter.

All licenses, contracts, and franchises granted by the City of Midland and in force when this charter becomes law, shall remain in full force and effect until the time for which they were respectively granted has expired, or until any such licenses or franchises may have been taken over by the city by purchase, condemnation, grant, or otherwise.